

incorporated in Case No. 14-CR-27-F (USDC/DWY) by reference

Case No. MJ 14-00030 JPD  
AFFIDAVIT OF PROBABLE CAUSE  
 U.S. DISTRICT COURT  
 DISTRICT OF WYOMING

TO: Chief Judge, duly credentialed  
 U.S. District Court  
 700 Stewart St.  
 Seattle 98101  
 Washington State, USA

2014 MAR 12 PM 1 05  
 STEPHAN HARRIS, CLERK  
 CHEYENNE

FROM: Paul Andrew Mitchell B.A. M.S.  
 FDC Seatac Reg. No. 44202-086, Unit "EA"

SUBJECT: facts invoking application now  
 of Johnson v. Zerbst; 44 U.S.C. 351

Greetings Your Honor:

In the matter of Case No. MJ-14-00030 (JPD)  
 please accept this AFFIDAVIT documenting  
 specific acts calling for application of  
 the decision of the U.S. Supreme Court in  
Johnson v. Zerbst, to wit:

- (1) Assistant Federal Public Defender  
 Nancy Terney refuses to perform one (1)  
 simple task requested by a Defendant, and  
 Defendant promptly terminated her  
assistance of Counsel: see Sixth Amendment  
 Defendant and a U.S. Marshal did the task on 6/4/2014
- (2) Cruel and unusual punishment in  
 FDC Seatac's Special Housing Unit ("SHU")  
 deprived Defendant of access to Law  
 Library: "Inmates housed in the Special  
 Housing Unit cannot go to the Law Library."

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See "FOC SEATTLE INMATE ADMISSION AND ORIENTATION HANDBOOK," Dec. 9, 2013, Page 9, under "Legal Assistance."

(3) Defendant declined to sign an Intake Form because it lacked an OMB control number at its upper right-hand corner. BOP's intake Counselor specifically cited Defendant's annotation re: "OMB No." as justification for placing him in the SHU instead of the general population. As such, BOP staff violated the PRA's Public Protection Clause at 44 U.S.C. 3512 i.e. absolute bar to any further judicial or administrative proceedings; here also see 5 USC 3331; and, 5 U.S.C. 2903, 2906 in pari materia;

(4) Defendant drafted hand-written Petition for Habeas Corpus Relief, but Assistant FPD has done nothing to date. She has not prepared that Petition for filing and service, nor as a Draft for Defendant's preliminary review and edits & additions. Assistant FPD merely forwards "process" issued by the Court.

Defendant mailed a request for additional FPD services on 2/6/2014. FPD does not appear to have adequate procedures or policies to provide effective assistance of Counsel to litigants proceeding In Forma Pauperis and/or In Propria Persona.

FPD was also asked to contact Defendant's

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landlord to learn the status of the contents of Defendant's apartment, but FPD has not replied at all to that specific request.

(5) Defendant also has a utility patent pending for a computer storage device at the U.S. Patent and Trademark Office. Defendant's Personal Computers were hand-built by him, and they are used to test variations and permutations — by way of performing basic research, and saving redundant copies of his patent research database. The loss of any of those custom PCs is too damaging and too catastrophic to contemplate, not to mention the threat of losing that apartment and everything else in it. Defendant has lived there since June 18, 2009.

#### REMEDY

(6) Defendant therefore sincerely believes that the facts itemized above do fully justify an ORDER to the Office of the U.S. Attorney to show cause why said facts do not violate the Sixth Amendment, and also the Eighth Amendment prohibiting cruel and unusual punishment, and also the PRA's Public Protection Clause: 44 USC 3512.  
(see next page)

VERIFICATION: 28 U.S.C. 1746

I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America, without (outside) the United States (federal government) that the below & the above statement of facts and laws is true and correct according to the best of my current information, knowledge and belief, so help me God.

Dated: 2/6/2014

Signed: Paul Andrew Mitchell, Suiguris

Printed: Paul Andrew Mitchell, B.A., M.S.  
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p.s.

Incorporated by reference, as if set forth fully here: the entire case file currently in custody of Federal Public Defender, Seattle, Washington State USA. See FREV 201(c)(2): mandatory judicial notice (NOT discretionary).

CONCLUSION

As a consequence of several acts, including but not limited to those described above, the U.S. District Court at Seattle appears to have ousted itself of jurisdiction and is barred from any further judicial proceedings. So be it!

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